

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10

11 QUINELLA SMITH,

12 Plaintiffs,

13 v.  
14

15 MIDLAND CREDIT  
16 MANAGEMENT, INC.,

17 Defendant.

CASE NO. 14-CV-0005 W (DHB)

**ORDER GRANTING  
PLAINTIFF'S COUNSEL'S  
MOTION TO WITHDRAW AS  
ATTORNEY OF RECORD  
[DOC. 8]**

18 Attorney Christopher J. Wrabel and the Law Offices of Chris Wrabel  
19 (collectively "Wrabel") have filed a motion to withdraw as attorney of record for  
20 Plaintiff Quinella Smith [Doc. 8]. There has been no opposition filed.

21 "The grant or denial of an attorney's motion to withdraw in a civil case is a  
22 matter addressed to the discretion of the trial court . . . ." Washington v. Sherwin Real  
23 Estate, Inc., 694 F.2d 1081, 1087 (7th Cir. 1982). Factors considered in evaluating the  
24 motion are "1) the reasons why withdrawal is sought; 2) the prejudice withdrawal may  
25 cause to other litigants; 3) the harm withdrawal might cause to the administration of  
26 justice; and 4) the degree to which withdrawal will delay the resolution of the case."  
27 CE Resource, Inc. v Magellan Group, LLC, 2009 WL 3367489, at \*2 (E.D.Cal. 2009)  
28

(citing Canandaigua Wine Co., Inc. V. Moldauer, 2009 WL 89141, at \*1 (E.D.Cal. Jan.14, 2009)).

Wrabel cites two reasons for withdrawing from the case. First, he has been unable to get a hold of his client and “does not know what the client would like to do with the case going forward.” (*P&A* [Doc. 8-1], 2:1–2; *Wrabel Dec.* [Doc. 8-2], ¶ 3.) Second, Wrabel has not been paid for work beyond filing the case. (*Wrabel Dec.*, ¶ 2.)

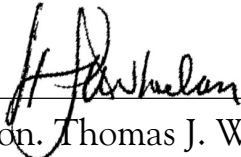
California Rule of Professional Conduct 3-700(B)(d) provides that an attorney may seek withdrawal where the client’s conduct “renders it unreasonably difficult for the member to carry out the employment effectively.” Here, the client’s failure to respond to Wrabel’s attempt to contact her renders it unreasonably difficult for Wrabel to carry out his representation of her in this lawsuit. Additionally, the client’s failure to pay his fees and expenses is sufficient ground to justify withdrawal. See, CA ST RPC Rule 3-700(B)(f).

Additionally, there is nothing in the record suggesting that Wrabel’s withdrawal will prejudice the litigants in this matter, will harm the administration of justice or unduly delay the resolution of this case. Wrabel has attempted to notify his client of the motion to withdraw. (*Wrabel Dec.*, ¶ 4.) The motion was also served on Defendant on April 8, 2014. (*Cert. of Service* [Doc. 10].) However, to date, neither the client nor Defendant has filed an opposition to Wrabel’s motion. Finally, given that this case was filed recently, a pre-trial conference has not yet been scheduled, and there is significant time left to conduct discovery.

For all these reasons, the Court **GRANTS** the motion [Doc. 8].

**IT IS SO ORDERED.**

DATED: May 14, 2014

  
 Hon. Thomas J. Whelan  
 United States District Judge